

National Environmental Performance Track RCRA Incentive Fact Sheet November 2004

What is Performance Track?

Performance Track (PT) is a voluntary program recognizing top environmental performance among participating U.S. facilities of all types, sizes, and complexity, public and private. Program members are providing leadership in many areas, including preventing pollution at its source. Members pass a compliance screen and must maintain compliance. They must also implement and maintain an environmental management system, conduct community outreach programs, make good faith efforts toward meeting environmental performance commitments, and submit annual performance reports. In exchange, members receive low inspection priority, public recognition, networking opportunities with other high performers, the development of positive relationships with regulators, and regulatory and administrative flexibility.

Performance Track RCRA Incentive

The first PT Rule was published on April 22, 2004 (69 FR 21737). The rule provides an incentive under EPA's Resource Conservation and Recovery Act (RCRA) that extends on-site storage times for large quantity generators of hazardous wastes up to 180 days (and 270 days if the waste is transported 200 miles or more) to accumulate hazardous waste without a RCRA permit or interim status. The waste must be managed in containers, tanks, drip pads, or containment buildings, in accordance with the applicable requirements, and the quantity of hazardous waste must not exceed 30,000 kilograms. The generator maintains records at the facility for each unit used for extended accumulation times and documentation that all procedures are complied with. Each container or tank must be clearly marked and visible for inspection with the words "Hazardous Waste,"

and the date upon which each period of accumulation begins. The generator must comply with the requirements for owners and operators in 40 CFR Part 265, with §265.16, and with §268.7(a)(5), and is exempt from all the requirements in subparts G and H of part 265, except for §§265.111 and 265.114. The generator must also implement pollution prevention practices prior to its hazardous waste recycling, treatment, or disposal, and include certain information in its Performance Track Annual Performance Report, which must be submitted to the EPA Regional Administrator and the Director of the authorized State. That information must include the total quantity of each hazardous waste generated, how it has been managed, the number of off-site shipments, the types and locations of destination facilities, how the wastes were managed at the destination facilities (e.g., recycling, treatment, storage, or disposal), any changes in on-site or off-site waste management practices as a result of extended accumulation times or other pollution prevention provisions, and any hazardous waste spills or accidents.

As of November 2004, at least 120 member facilities could potentially take advantage of the rule's RCRA provisions.

How Do Members Take Advantage Of This?

- Member facilities must submit prior written notice to the EPA Regional Administrator and the Director of their state permitting authority of their intent to extend hazardous waste accumulate time.
- Notices must identify the generator and facility, state when extended accumulation will begin, describe the wastes to be accumulated, list the units that will be used for that purpose, and state that the facility has made all the changes to its operations, procedures and equipment necessary to



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accommodate the extended time periods for accumulating hazardous wastes.

- For generators who intend to accumulate for up to 270 days because required transport is more than 200 miles, the notice must contain a certification that an off-site permitted or interim status TSD facility capable of accepting the waste is not located within 200 miles.

For More Information Contact:

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<http://www.epa.gov/performancectrack>